

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-11

SAJ-01 ACDA-05 OES-03 OMB-01 SCCT-01 EB-07 /088 W

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R 231748Z FEB 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6661

INFO AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION USBERLIN

USMISSION NATO BRUSSELS

USMISSION EC BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 03008

E.O. 11652: GDS

TAGS: PFOR, GW, GE, WB, US, UK, FR

SUBJECT: QUADRIpartite AMBASSADORIAL LUNCHEON: DIS-
CUSSION OF BERLIN QUESTIONS

THE REGULAR MONTHLY QUADRIpartite AMBASSADORIAL
LUNCHEON HOSTED ON FEBRUARY 23 BY THE BRITISH AMBASSA-
DOR, ATTENDED BY THE FRENCH AND AMERICAN AMBASSADORS AND
STATE SECRETARY GEHLHOFF, COVERED THE FOLLOWING SUBJECTS:

1. THERE WAS AN EXTENSIVE DISCUSSION OF THE POSSIBLE
FEDERAL PROSECUTION IN BERLIN OF THE LORENZ KIDNAPPERS,
WITH ALL THREE AMBASSADORS EXPRESSING THEIR UNHAPPINESS
ABOUT PUBLIC STATEMENTS BEING MADE BY FEDERAL PROSECUTOR
GENERAL BUBACK, WHICH WERE EMBARRASSING THE ALLIES AND
HAD THE EFFECT OF WEAKENING THEIR LEGAL POSITION.
GEHLHOFF CONCEDED THAT BUBACK'S STATEMENTS WERE UN-
FORTUNATE AND INDICATED THAT THE FOREIGN MINISTRY WOULD
AGAIN RAISE WITH THE MINISTRY OF JUSTICE THE DESIRABI-
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LITY OF GREATER DISCRETION ON THE PART OF THE FEDERAL
PROSECUTOR GENERAL. HE NOTED THAT THE MINISTRY OF

JUSTICE HAD ALREADY EXPRESSED THE VIEW TO THE FOREIGN MINISTRY THAT FEDERAL PROSECUTION WAS PROBABLY UNAVOIDABLE, BUT THAT THE CASE WOULD PROBABLY NOT COME TO TRIAL THIS YEAR. THE FOREIGN MINISTRY HAD STRESSED THE NEED FOR FULL CONSULTATION WITH THE ALLIES BEFORE FINAL DECISIONS WERE TAKEN. GEHLHOFF ALSO SAID THE GERMAN GOVERNMENT CONSIDERED IT ESSENTIAL THAT THE SOVIET PROTEST DELIVERED IN BERLIN AT POLAD LEVEL ON FEBRUARY 12 RECEIVE A FORMAL ALLIED REPLY, ALTHOUGH ACKNOWLEDGING THAT THE RESPONSE GIVEN ON THE SPOT BY THE US POLAD HAD BEEN A GOOD ONE.

2. REPORTING ON THE CURRENT STATE OF FRG-USSR NEGOTIATIONS, GEHLHOFF SAID HE SAW LITTLE CHANCE FOR EARLY PROGRESS ON EITHER THE LEGAL ASSISTANCE OR SCIENTIFIC/TECHNOLOGICAL COOPERATION AGREEMENTS. THE CULTURAL PROTOCOL WAS STILL HELD UP ON SEVERAL POINTS, PARTICULARLY THE QUESTION OF INCLUDING MEMBERS OF INSTITUTES LOCATED IN BERLIN IN ANY CULTURAL ARRANGEMENTS. HE CONFIRMED THAT THE SOVIETS HAD BEEN TOLD OF ALLIED OBJECTIONS TO SOVIET NOTIFICATION TO THEM OF ANY LEGAL ASSISTANCE ARRANGEMENT. HE SAID THE SOVIETS HAD EMPHASIZED THAT THIS WAS ESSENTIAL IF AN AGREEMENT WAS TO BE REACHED ALONG THE LINES DISCUSSED. THEY HAD NEVER CLEARLY EXPLAINED, HOWEVER, WHY THEY CONSIDERED THIS ESSENTIAL.

3. IN RESPONSE TO A QUERY, GEHLHOFF SAID THAT WITH THE COMPLETION OF THE TRAFFIC AGREEMENTS AND THE POSTAL AGREEMENT, HE DID NOT SEE THE CONCLUSION OF ANY SIGNIFICANT FURTHER NEGOTIATIONS BETWEEN THE FRG AND THE GDR IN THE NEAR FUTURE.

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 03008

4. GEHLHOFF NOTED THAT THE GERMAN SIDE HAD TABLED WITH THE BONN GROUP LAST WEEK A PROPOSED COMBINED BERLIN CLAUSE/RESERVATION TO THE EC CONVENTION INSTITUTING DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT (BONN 2744). THE BRITISH AMBASSADOR POINTED OUT THAT THERE WAS ALSO A QUESTION OF THE COMPETENCE WHICH BERLIN DEPUTIES TO THE EUROPEAN PARLIAMENT WOULD ENJOY. GEHLHOFF RESPONDED THAT THE FEDERAL GOVERNMENT WOULD FIND IT DIFFICULT TO CONTEMPLATE ANY LESS COMPETENCE FOR BERLIN DEPUTIES THAN THEY ENJOYED IN THE BUNDESTAG OR THAT THEY ENJOYED PRESENTLY IN THE EUROPEAN PARLIAMENT. IT WAS NOTED THAT THE FRG PROPOSAL WAS CURRENTLY UNDER STUDY IN THE BONN GROUP, THAT THE BERLIN COMPETENCE QUESTION ALSO INVOLVED PRESUMED ENHANCEMENT OF THE POWERS OF THE EUROPEAN PARLIAMENT, AND THAT THERE WAS ALSO THE FURTHER QUESTION AS TO HOW LEGISLATION BY THE EUROPEAN PARLIAMENT WOULD BE APPLIED IN BERLIN. THE FRENCH AMBASSADOR SAID THAT, IN HIS VIEW, ANY EFFORT TO INCREASE THE CONFIDENTIAL

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AUTHORITY OF THE EUROPEAN PARLIAMENT COULD NOT BE ACHIEVED BY EXECUTIVE AGREEMENT BETWEEN GOVERNMENTS, BUT WOULD HAVE TO TAKE THE FORM OF AN AMENDMENT TO THE ROME TREATY, WHICH WOULD THEN HAVE TO BE SUBMITTED TO NATIONAL PARLIAMENTS FOR RATIFICATION. THE INTERNAL POLITICAL SITUATION IN FRANCE WOULD REQUIRE THAT SUCH A PROCEDURE BE FOLLOWED.

5. IN RESPONSE TO A QUERY BY THE AMERICAN AMBASSADOR, GEHLHOFF SAID THAT, CONTRARY TO RECENT PRESS REPORTS, THERE WAS NO CURRENT FORWARD MOVEMENT ON THE KALININGRAD NUCLEAR POWER PROJECT. THE GERMAN GOVERNMENT WAS NOT PUSHING IT AT PRESENT, AND THE SOVIETS HAD NOT INDICATED ANY CHANGE IN THEIR POSITION THAT A POWER LINE

DIRECTLY THROUGH WEST BERLIN TO THE FEDERAL REPUBLIC WAS
UNACCEPTABLE.
HILLENBRAND

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